UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,600	01/18/2002	Yoshitaka Fujita	P14979-A	4645

21254 7590 06/01/2007

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
HARTMANN II, KENNETH R	

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
06/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/050,600	FUJITA, YOSHITAKA	
	Examiner	Art Unit	
	Kenneth R. Hartmann	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-5,8-16 and 23-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *11-16 and 23-27* is/are allowed.

6)☐ Claim(s) *3-5 and 8-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 3 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Gelman et al (US 6,493,348).

For claims 3 and 8, Gelman et al. disclose a demultiplexing method of receiving a multiplexed signal obtained by multiplexing a plurality of communication signals from a multiplexed signal transmitting section, demultiplexing the signal into communication signals, and transmitting the demultiplexed communication signal to a communications signal receiving section, comprising adding, to each of the communication signals, an identifications address preassigned to a predetermined signal identifying section through which a communications signal passes in a multiplexing system including the multiplexed signal transmitting section and the communication signal receiving section, and outputting each of the communication signals, extracting the identification address from the output signal, and demultiplexing the multiplexed signal for each of the communications signals on the basis of the extracted identification address (MAC layer

address is assigned and used as identification address and each signal is demultiplexed at the DSLAM to reach there destination using the MAC address, see Fig. 2).

3. Claims 5 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (US 6,765,910).

For claim 5, Johnson discloses a demultiplexing method of demultiplexing am multiplexed signal obtained by multiplexing a plurality of packets into packets, comprising: extracting an IP address from each packet in the received multiplexed signal, and demultiplexing the multiplexed signal into PPP packets on the basis of the extracted IP addresses (router examines the contents of the PPP stream, selectively separates certain packets and forwards them on to selected servers using layer addressing information (IP address) embedded in the packet headers, see column 8, lines 22-40).

For claim 10, Johnson discloses a demultiplexing apparatus which is connected to a multiplex communication path through which a multiplexed signal obtained by multiplexing packets addressed to subscriber apparatuses is transmitted, demultiplexes the multiplexed signal received from the multiplex communication path, and outputs each demultiplexed communication signal, comprising address extracting means, connected to the multiplex communication path, for extracting an IP address of each packet in the multiplexed signal received from the multiplex communication path, and demultiplexing means for demultiplexing the multiplexed signal into the respective packets on the basis of the IP addresses of the respective packets extracted by the address extracting means (router examines the contents of the PPP stream, selectively

separates certain packets and forwards them on to selected servers using layer addressing information (IP address) embedded in the packet headers, see column 8, lines 22-40).

Claim Rejections - 35 USC § 103

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelman et al. (US 6,493,348) in view of Johnson (US 6,765,910).

For claims 4 and 9, Gelman et al. disclose a method as described above, wherein the identification address includes a MAC address. Gelman et al. does not disclose the communication signal including a PPP packet created for each Internet subscriber apparatus. However, Johnson does disclose a communication signal including a PPP packet created for each Internet subscriber apparatus (packets arriving

at the router from a server are formatted into the PPP format and inserted into the PPP stream, see column 8, lines 30-33). Therefore, it would have been obvious to one of ordinary skill in the art to implement the communication signal of Johnson into the method of Gelman et al. The motivation for implementing this communication signal as taught by Johnson into the method of Gelman et al. would be to set up a direct communication link between the source and destination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Hartmann whose telephone number is 571-270-1414. The examiner can normally be reached on Monday - Thursday, 10 - 3 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kenneth Hartmann

AU 2616

CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600